

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PAUL SOMERS,  
Plaintiff,

v.

DIGITAL REALTY TRUST INC, et al.,  
Defendants.

Case No. 14-cv-05180-EMC (KAW)

**ORDER TERMINATING  
DEFENDANTS' MOTION TO COMPEL  
PLAINTIFF'S DEPOSITION AND  
ORDERING PLAINTIFF'S  
DEPOSITION**

Re: Dkt. No. 121

On August 11, 2016, Defendants Digital Realty Trust and Ellen Jacobs filed a motion to compel Plaintiff Paul Somers's deposition. (Defs.' Mot., Dkt. No. 121.) Defendants' motion to compel does not comply with this Court's General Standing Order, available at <http://cand.uscourts.gov/kaworders>, which sets forth the manner and format in which parties are to present their discovery disputes to the Court. The Court therefore TERMINATES Defendants' motion to compel Plaintiff's deposition.

The Court finds that Plaintiff has failed to comply with its July 8, 2016 Order requiring that Plaintiff make himself available for deposition within thirty days of the Order. (Dkt. No. 110 at 2-3.) Plaintiff's objection to that portion of the Order was overruled by the presiding judge. (Dkt. No. 116 at 2.) Plaintiff's contention that he should be allowed to depose Digital Realty's Chief Investment Officer is not grounds for refusing to attend his own deposition. (*See* Plf.'s Opp'n, Dkt. No. 129.) The Court ORDERS Plaintiff to attend his deposition by September 26, 2016. The parties shall meet and confer to select a mutually agreeable date; if the parties are

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1 unable to agree, Plaintiff's deposition will take place on September 26, 2016. Failure to comply  
2 with this Order may result in the Court imposing sanctions.

3 IT IS SO ORDERED.

4 Dated: September 6, 2016

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KANDIS A. WESTMORE  
6 United States Magistrate Judge  
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United States District Court  
Northern District of California